

REMARKS

Reconsideration and further examination of the subject patent application in light of the RCE submitted herewith and in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-15 are currently pending in the application. Claims 1-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,742,757 to Hamadani, et al. (“Hamadani”) in view of U.S. Pat. Pub. No. 2001/0011254 to Clark (“Clark”) and further in view of U.S. Pat. Pub. No. 6,292,833 to Liao et al. (“Liao”). Claims 1, 2, 3, 5, 6, 7, 9, 10, 11, 14, and 15 have been amended. After a careful review of the claims and references, applicant believes that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Independent claims 1, 5, and 9 have been amended to clarify that they are directed to a method, server or medium wherein messages are sent to the remote users denied access indicating denial and future notification, and that access is allowed only after response by the remote user to the alert; an alert is sent to queued remote users indicating that access has become available; and access is allowed only after the queued remote user responds. Further, they have been amended to be directed to determination of whether the user has responded to the alert (e.g., Fig. 5, block 94). Hamadani discloses a software license management system but does not disclose a message to users denied access which includes that access is not allowed and that subsequent notification of available access will be provided, and further does not disclose allowing access only after the user responds to the alert nor determining whether the queued remote user has responded to the alert.

The Office Action asserts that Hamadani disclosed allowing access only after the remote user responds to the alerts citing Col. 4, lines 63 to Col. 5, line 5, and Col. 5, lines 22-27. However, these passages only describe the license manager 28 looking at the license request

queue when a license becomes available, and allowing use. There is no description of limiting access only to those users that respond to alerts. Further, there is no disclosure of determining whether the user has responded to an alert in Hamadani, or the other cited references. In addition, the Office Action conceded that Hamadani and Clark do not disclose sending a message indicating access is not possible and that the user will be notified but asserts to Liao does at Col. 7, lines 5-22. This passage, however, only describes obtaining at the mobile device a service identity for the message requesting access to local services. Thus, there is no description of any message sent indicating access is not possible or that the user will be notified. Similarly, at Col. 10, lines 5-22, the service identity for the message is obtained and verified, and if not verified, access is denied. Again, there is no disclosure of a message indicating access is not possible and that the user will be notified when it is. The only disclosure is that access is denied when verification of the request message fails, a circumstance which would not call for later notification of available access.

Thus, the independent claims 1, 5, and 9 distinguish over Hamadani, Clark and Liao for at least the above reasons, and are therefore believed to be allowable. Claims 2-4, 6-8, and 10-15 are dependent upon now allowable claims 1, 5, and 9 are therefore also believed to be allowable in like manner.

Claims 2, 3, 6, 7, 10, and 11 are believed to be further distinguishable because neither Hamadani, Clark nor Liao discloses returning requests to the queue to allow an additional opportunity or a predetermined member of additional opportunities as claimed in the amended claims 2, 3, 6, 7, 10, and 11 (see e.g. p. 18, lines 11-20). The Office Action indicates that Hamadani discloses the return to the queue for failure to respond at Col. 5, lines 50-57 of Claims 2, 6, and 10. However, as disclosed above, Hamadani does not disclose responding to an alert. Further, the cited passage merely describes the original notification that the request has come up

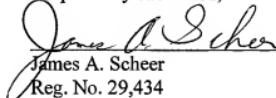
in the queue and thus that access is available. There is no description of returning the users to the queue for failure to respond to an alert. With regard to claims 3, 7, and 11, the Office Action cites Col. 4, lines 60-67 and Col. 5, lines 41-51 as disclosing the claimed predetermined number of additional opportunities. However, Hamadani does not disclose providing additional opportunities to respond to the alert (and above discussed, does not disclose responding to an alert at all). Further, Col. 4, lines 60-67 merely describe looking at the request queue when a license becomes available, while Col. 5, lines 41-51 merely describes creating a queue, detecting when a license becomes available and allowing the first request in the queue to be served. There is no discussion at all of allowing a predetermined number of additional opportunities to respond to an alert.

Claims 13, 14, and 15 claim a server having reserved ports (Claim 13), response within a predetermined time period (Claim 14) and storage and use of information about the user, termination of the contact and use of the stored information to recontact the user (Claim 15) (see e.g., p. 15, lines 22-24; p. 13, lines 9-11; and p. 13, lines 16-20 respectively). Regarding claim 13, the Office Action cites Col. 4, lines 10-16 and Col. 5, lines 19-21 as disclosing one or more reserved ports. However, Col. 4, lines 10-16 merely describe searching for available licenses and storing license data, and Col. 5, lines 19-21 merely describes making a mode-locked license available to use. There is no discussion of ports reserved for receiving requests. Regarding claim 14, the Office Action cites Col. 4, lines 60-67, and Col. 5, lines 41-51 as disclosing response with a predetermined time. However, these passages as described above do not disclose responding to an alert at all, merely looking at the queue initially when a license becomes available and creating the queue. Regarding claim 15, the Office Action cites Clark, para. 16 as disclosing the claimed termination and recontacting. However, Clark in para. 16 merely describes searching for a license file on another computer and transferring it without any

disclosure of first terminating the contact and reconnecting when a license becomes available. Thus, these features are also not disclosed by Hamadani, Clark or Liao and are therefore the claims 13, 14, and 15 are believed to be further distinguishable.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application the Examiner is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,



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